

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES SECURITIES AND	:	
EXCHANGE COMMISSION,	:	19 Civ. 4355 (LGS)
	:	
Plaintiff,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
COLLECTOR'S COFFEE INC., et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 29, 2020, Defendant Collector's Coffee, Inc. ("CCI") filed a pre-motion letter seeking to move to dismiss the Intervenor Complaint pursuant to 12(b)(1) and 12(b)(6) or, in the alternative, to compel arbitration (Dkt. No. 353). On May 30, 2020, Defendant Mykalai Kontilai filed a pre-motion letter on the same grounds (Dkt. No. 354);

WHEREAS, on June 1, 2020, the Intervenor Plaintiffs filed a letter response, noting that Defendants CCI and Kontilai filed answers to the Intervenor Complaint at Dkt. Nos. 146 & 147 (Dkt. No. 356). It is hereby

**ORDERED** that Defendants CCI and Kontilai shall file a consolidated motion pursuant to 12(c)<sup>1</sup> and to compel arbitration according to the following schedule:


- By **June 19, 2020**, Defendants CCI and Kontilai shall file the motion, the memorandum of law for which shall not exceed twenty (20) pages;
- By **July 17, 2020**, the Intervenor Plaintiffs shall file the opposition to Defendants' motion, not to exceed twenty (20) pages;
- By **July 27, 2020**, Defendants shall file any reply, not to exceed eight (8) pages.

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<sup>1</sup> Because Defendants have answered the complaint, any motion to dismiss brought pursuant to Federal Rule of Civil Procedure 12(b) is untimely. *See* Fed. R. Civ. P. 12 ("A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed.")

The parties shall otherwise comply with the Court's Individual Rules in filing their motion papers.

Dated: June 1, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**